

Remarks

In the Office Action mailed October 28, 2005, claims 1, 3-6, 9-17, and 43-58, remain pending. Claims 1, 3-7, 9-15, and new claims X (apparently 43-58) are rejected under 35 USC 103(a) as being unpatentable over Shelton et al (Shelton) U.S. Patent no. 6,067,018 in view of Girerd et al (Girerd) U.S. Patent no. 6,131,067. Regarding claim 1, Shelton is said to teach substantial features of the invention as claimed, including a pet location unit (102), a remote user from a remote terminal (418), a web host connected to the Internet (column 9, lines 8-14), display instructions running on a computer (418), a GPS receiver (406), a processor (206), a transceiver (306), a power supply, and automatically generating signal transmitted from the computer when communication fails between the computer and the location unit (column 2, lines 6-17), which is transmitted from the computer over the Internet to the user (column 2, lines 50-67). Shelton is said not to teach where a remote user has subscribed to the system and obtained an identifier associated with the location unit, nor teach generating a call transmitted from the computer to the location unit for receiving data in return from the location unit.

Girerd is said to teach a computer implemented method for determining the location of an object in a computer network environment over the Internet, including a web host (10) receiving a tracking request from a remote user (1) via the Internet, a personal I.D. code for the subscriber associated with the location unit, a location unit (220) with a GPS receiver communicating over a wireless network, transmitting an interrogation signal to the location unit from the web host in response to a tracking request and receiving position data from the location unit, processing the position data to determine the location of the unit, and micro-processor for controlling information transfer between the location unit and server over the wireless network to automatically

transmit position data in response to command signals from the server. The rejection concludes it was obvious to one of ordinary skill in the art at the time the invention was made giving Shelton an obtaining location data associated with a lost pet over the Internet from an Internet server, suggesting to be useable for locating an object, the teachings of Girerd would be readily apparent. The rejection states that one of ordinary skill in the art would be motivated to have Shelton's systems in which the owner looking for the pet to generate an Internet protocol based request and subsequently obtain a web page of the pet's location by logging to a server providing an identification code associated with the GPS receiver or other positioning device to enable user display indication of the location unit on a map.

The rejection notes further reasons for the rejection of the dependent claims depending on claim 1.

In regard to independent claim 43, the rejection states that this system claim is essentially the same as claim 1. Dependent claims 44 through 50 are treated the same as claims 1, 4, 5 and 11-14, and 16.

Regarding independent claim 51, the rejection treats this system claim substantially the same as claims 1, 12-13, and 43. Dependent claims 52 and 53 are regarded as substantially the same and treated like claims 1 and 5.

Regarding independent claim 56, this method claim is said to be substantially the same as claims 1 and 43. Rejection fails to treat the method differently from a system.

Dependent method claims 58 and 59 are treated the same as claims 4 and 5, even though they are system claims.

Claim 16 is rejected under 35 USC 103(a) as being unpatentable over Shelton in view of Girerd, as applied to claim 1, in further view of Hoffman et al (Hoffman) U.S. Patent no. 5,742, 233. The rejection states that it would have been obvious to one of

ordinary skill in the art to utilize Hoffman's teaching for automatically transmitting data to a host in the event of an unauthorized removal of the collar from the pet.

Further, in the Office Action claims 1, 3-6, 9-17, and 43-46 are rejected under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent no. 6,819,258. The timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) is said to overcome the double patenting rejection.

Discussion

Reconsideration of the rejection of claims 1, 3-7, 9-15, 17, and 43 through 58 is respectfully requested for the reasons set forth below.

The examiner has misconstrued the Shelton reference. Basically, the present invention is directed to an "Internet" based pet tracking system and method to which a subscriber of the service may track a lost pet over the Internet. The subscriber initiates a tracking request over the Internet, which is received by an Internet web host. The web host includes a computer program containing a series of instructions executable on the web host for confirming a proper I.D. code, transmitting a tracking call to the pet location unit. The location unit has a processor, a GPS chip, and a lower power transceiver. The processor includes programmed instructions executable on the unit to automatically answer and transmit a low power digital packet, including protocol, code, and location data to the web host. The web host processes and transmits the data to the subscriber at their remote terminal in the form of a map or other location information to be displayed on the subscriber's remote display. While this describes the concept of the invention basically, many other inventive aspects of the invention are pointed out in detail in the independent claims and dependent claims.

In contrast, Shelton is a telephone-based tracking system and method. The only use of the Internet disclosed by Shelton is that a user may access a conventional

Internet server on which a map of the pet's location is posted. The tracking request from the user is not sent via the Internet, rather, the tracking request is sent directly from the user's telephone to the pet's collar using a telephone paging unit, not the Internet. There is no disclosure in Shelton of an Internet based system and method. The Internet is not shown in any of the drawings, and there is no teaching in Shelton how to provide a system and method for a full Internet based pet tracking system and method as claimed and disclosed in the present invention. The word "Internet" appears only five times in the Shelton patent. Each time the word is mentioned it is in association with either sending an e-mail to the user to notify them of the pet's location (col 2, line 59, col 6, line 3), or posting a map on an Internet server for access by the user (col 9, lines 12-14, col 13, line 43). The Internet is not a part of the Shelton system, but only used in its normal manner to retrieve e-mail or accessing other information as usually done over the Internet.

In Shelton, tracking is done by one of two ways, either position data is sent when the pet leaves the range of the base station (telephone), or the user sends a signal to a paging unit via a telephone. In either case, the paging unit sends the position data to a monitoring center via telephone or cellular network. The monitoring center passes the location information to the user over the telephone, sends the location information to be posted in the form of a map on an Internet server, or the user may telephone the monitoring center and retrieve the location information by inputting a code. Shelton does not disclose an Internet system and web host which automatically carries out the instructions and functions in the manner claimed and disclosed in the present invention.

The location unit 102, remote terminal 418 (only for receiving location information for telephone monitoring unit), computer instructions, GPS receiver 406, processor 206, and transceiver 306 (telephone paging unit), among other features, in Shelton cited in

the rejection of independent claims 1 and 43, are taken from a telephone based tracking system, and applied, out of context, to the rejection of claim to an Internet-based tracking system and method. The context and the combination of these elements is in error as applied to the applicant's Internet-based pet tracking system.

One of ordinary skill in the art would not logically think of combining the telephone base system of Shelton with the Internet system of Girerd. This would be contrary to the teaching of Shelton which teaches the use of telephone and wireless telephone systems and a bi-directional paging unit installed in the collar of the pet where all the communications from the initial request for the pet's location to the final step of the pet's location information is accomplished using a telephone and/or wireless cellular system. The tracking request is not sent over the Internet but initiated from the user's telephone and sent telephonically to the paging unit on the pet. Throughout the Shelton disclosure, a home based telephone system is emphasized and disclosed. To change it over to an Internet base system as claimed and disclosed in the present invention would be against the teachings of Shelton. For example, the rejection states that Shelton teaches "a remote user from a remote terminal (13) who logs onto the system and obtained location information over the Internet," referring to col. 9, lines 8-14, noted above. Logging onto the system as noted in the reference to Shelton refers to logging on an Internet server only to view a map image of the pet's location. Shelton does not teach logging onto an Internet system in order to initiate a tracking request. This location information is posted on an Internet server after the user has made a telephone call to the paging unit on the tracking collar whereupon the location information is transmitted by the paging unit back to a monitoring center using the telephone. Only after the user has terminated use of the Shelton system, do they log on to look at an Internet map. The rejection says that Shelton teaches a computer web

host connected to the Internet. Shelton is referring only to the conventional Internet system which may be accessed to view a map. The web host set forth in claim 1 and other claims refers to a dedicated web host dedicated to the tracking system of the present invention which includes computer instructions for carrying out the entire automatic process from receiving an initial tracking request to the retrieving and displaying the position information. The GPS receiver (46) referred to in the rejection is not initiated by a web host but by a telephone call to a paging system in Shelton. The transceiver (306) which the rejection states transmits location coordinates to the web host, does not transmit to a web host but to a monitoring center using a telephone network. Again, Shelton teaches accessing a conventional Internet server to view a map but it forms no part of the system of Shelton.

Lastly, referring to the “error instructions” set forth in claim 1, the disclosure in Shelton referred to by the examiner refers to systems for monitoring criminals which uses a transmitter to continually send a signal to a monitoring station located within the criminal’s home, but when the signal is interrupted, the monitoring station automatically places a telephone call to the police station to notify the authorities that the prisoner has left the prescribed area. The error instructions claimed and disclosed in the present invention refer to instructions in the computer readable memory of the web host that are generated when the web host fails to communicate with the moveable location unit. Again, the rejection takes the claim language out of context and tries to meet it in hindsight with nonanalogous language in the Shelton reference.

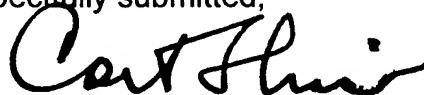
New independent claims 51 and 56 (method) specifically recite that a low power digital location data packet has protocol data, a personal code number as an identifier, and GPS data, including longitude and latitude. This simplified packet structure allows the low power digital location data packet to be forwarded to a web host that is

accessible by the subscriber based only on a small, two byte tracking request received from a web host, via a cellular or other communications network.

Neither Shelton nor Girerd patents suggest these aspects of the present invention. Girerd uses a cellular phone system that could not be low power because it transmits Doppler and pseudo-random codes to a base station. Girerd uses a conventional cellular telephone, and thus, could not transmit a small data packet of only protocol data, a personal code number as an identifier, and GPS data, including latitude and longitude. As recited in new claims 51 and 56, the present invention includes a unique portable location unit which receives a tracking request signal and based on GPS information, transmits back a low power digital location data packet to the web host. The location data packet consists of only limited information so that only a low power transceiver is required. Girerd discloses a remote sensor capable of providing information related to the position by transmitting position data using a cellular telephone in response to an interrogation signal. As disclosed in column 6, lines 34-49, the remote sensor may be built into the cell phone or may be connected to the cell phone as a separate unit. The conventional cellular telephone system disclosed by Girerd does not include a low power transceiver as claimed and disclosed in the present invention.

Favorable action on the claims and passing of the case to issue are respectfully requested in due course of Patent Office business.

Respectfully submitted,



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